

FREDERICK COUNTY BOARD OF APPEALS
STAFF REPORT VIRTUAL MEETING ON MAY 27, 2021 @ 7pm

Case Number: B-21-03, (B263968)

Applicant: Gary Castle

Appeal: Requesting a variance of 10 feet to the recognized 25-foot front building restriction line, in accordance with Section 1-19-3.220 Variances and Section 1-19-6.100 Design Requirements of the Frederick County Zoning Ordinance. If approved would create a 15' front building restriction line

Location: The property is identified as, 6427 Lakeridge Drive, New Market, Md. 21774, Tax Map 79, Parcel 185, Tax Id. # 27507573 is zoned Planned Unit Development (PUD).

Planning Region: New Market

Zoning District: Planned Unit Development (PUD)

Comp. Plan Designation: Low Density Residential

Applicable Ordinances: Sec. 1-19-3.220 Variances
Sec. 1-19-6.100 Design Requirements

Background:

The Applicant's property is zoned Planned Unit Development (PUD) and is .31 acres in size. The required setbacks for this community are front, 25 ft., side 8 ft. and rear 25 ft.

Proposal:

Applicant is requesting a variance of 10 feet to the required 25-foot front building restriction line, in accordance with Section 1-19-3.220 Variances and Section 1-19-6.100 Design Requirements of the Frederick County Zoning Ordinance. If approved would create a 15' front building restriction line and allow for the construction of a single family dwelling unit. (Attachment 1)

General Criteria - Variance:

Under the provisions of Section 1-19-3.220(C) of the County Zoning Ordinance, the Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

- (A) The Board of Appeals may authorize a variance in height, lot area and yard regulations.

The Applicant states he understands this requirement.

- (B) An application for a variance shall be filed with the Board of Appeals only after refusal of zoning approval or an adverse determination has been issued by the Zoning Administrator.

The Applicant states he understands this requirement.

- (C) The Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

The Applicant states he understands this requirement.

- (1) First, the Board of Appeals shall find that special conditions and circumstances exist which are unique to the land or structure involved and which are not applicable to other lands or structures in the same district.

The Applicant states that 20% of the proposed building pocket is occupied by a rock outcrop forcing any home to be pushed forward and closer to the road.

- (2) Upon making this finding the Board of Appeals shall also find that the following criteria are met:

- (a) That the special conditions and circumstances do not result from the actions of the applicant; and

The Applicant states that this circumstance is not the result of any action taken by the Owner/Applicant.

- (b) The literal interpretation of the provisions of this chapter would result in unreasonable hardship and deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this chapter; and

The Applicant states that the literal interpretation would eliminate the prospect of building on a Recorded Lot.

- (c) That granting the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district; and

The Applicant states that the approval of this Variance would not confer any special privilege as numerous other lots in the this subdivision have been granted the same variance due to topography and or rock outcrops/ledges,

- (d) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Applicant states that the Variance will be in harmony with the neighbors and will not be detrimental to the public welfare.

- (D) In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, is a violation of this chapter.

The Applicant states he understands this requirement.

- (E) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this chapter in the zone involved, or any use expressly or by implication prohibited by the terms of this chapter in said zone.

The Applicant states he understands this requirement.

- (F) Under no circumstances shall the Board of Appeals grant a variance to a nonconforming structure for the portion of structure determined by the Zoning Administrator to be nonconforming.

The Applicant states he understands this requirement.

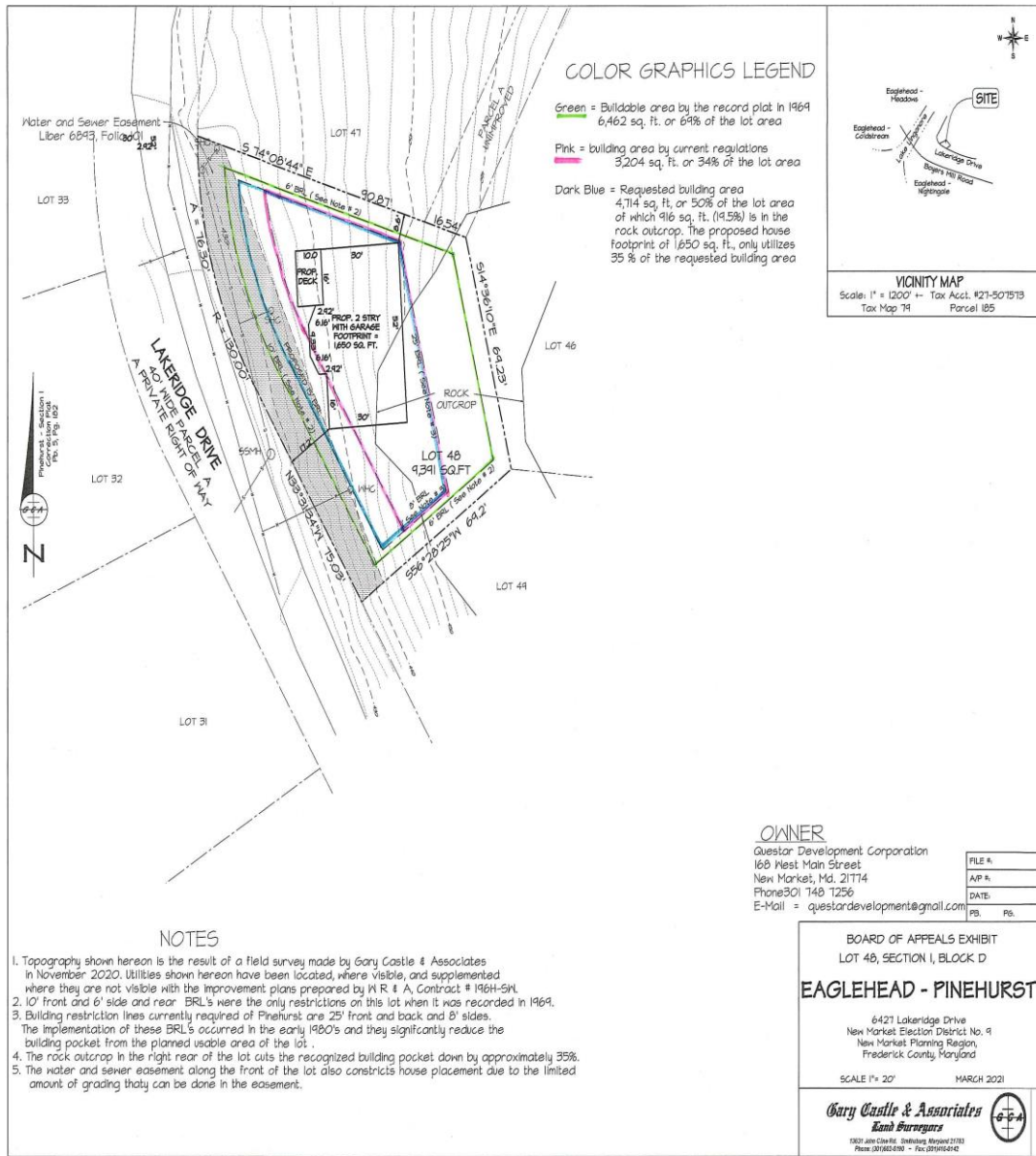
- (G) A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

The Applicant states he understands this requirement.

Actions Needed:

Staff requests that the Board review the general criteria for a Variance under Section 1-19-3.220 Variances and Section 1-19-6.100 Design Requirements and render a decision on the Applicant's request for a 10 ft. variance from the 25 ft. required front building restriction line,

Attachment 1



GIS Maps



